

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Cortes et al. v. U-Save Car & Rental Car LGA, et al.  
Docket No. 11-Cv-3062

**NOTICE OF LAWSUIT**

**To: All individuals who worked as counter attendants, parking attendants and/or shuttle drivers at U-Save Car & Rental LGA and U-Save Car & Truck Rental JFK at Kennedy and LaGuardia airports, New York from October 17, 2008 through the present. This does not include supervisors, officers, executive, managerial, or administrative personnel.**

- This is a court-authorized notice that a collective action lawsuit may affect your legal rights. This is not a solicitation from a lawyer.
- Plaintiff Michael Cortes (“Plaintiff”) is a former employee of U-Save Car & Rental LGA and U-Save Car & Truck Rental JFK who has brought this lawsuit on behalf of himself and all other current and former employees to seek payment of allegedly unpaid overtime wages. You may be owed overtime wages if you worked for U-Save Car & Rental LGA and/or U-Save Car & Truck Rental JFK at any time from October 2008 through the present.
- Defendants vigorously deny any wrongdoing and/or liability and deny that any employee was underpaid for his or her work at any time.
- No determination has been made that you are owed any overtime wages, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to his notice.
- **You have a right to participate in this action even if you are an undocumented alien or if you were paid in cash**

**I. Why did I get this notice?**

You are getting this notice because U-Save’s records show that you worked at U-Save Car & Rental LGA and/or U-Save Car & Truck Rental JFK during the relevant time period.

**2. What is this lawsuit about?**

This lawsuit is about:

(1) Whether counter attendants, parking attendants and shuttle drivers were paid overtime wages at time and one-half their regular hourly wage for every hour they worked over 40 hours in any week.

(2) Whether counter attendants, parking attendants and shuttle drivers were paid an additional hour of pay at an amount at least equal to the then prevailing New York State minimum wage for their spread-of-hours (days in which their work day exceeded 10 hours).

These claims were brought under the Federal Fair Labor Standards Act (“FLSA”), as well as under New York State law.

**FEDERAL LAW CLAIMS:** If you worked for U-Save Car & Rental LGA and/or U-Save Car & Truck Rental JFK between October 17, 2008 to the present, you may be entitled to certain protection under FLSA for all work in excess of 40 hours each week if you received less than one and one-half times (1.5x) your regular hourly wage rate.

**NEW YORK LAW CLAIMS:** A class has not yet been certified for claims arising under New York law. Under New York law, you may have claims for improperly withheld overtime compensation (work performed over 40 hours) and for improperly withheld spread of hours compensation (an additional hour of pay at the prevailing New York State minimum wage for days in which your work day exceeded 10 hours) that date back to 2005. You will be advised of any additional rights that you may have to recover under New York law in the event that a class is certified.

**To join this lawsuit at this time, you must have worked at U-Save Car & Rental and/or U-Save Car & Truck Rental between October 17, 2008 to the present.**

**3. How do I join this lawsuit?**

If you would like to join this lawsuit, you must sign and promptly return the enclosed “Consent to Join Lawsuit” Form by [90 days from mailing date]. An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Lawsuit Form must be sent to:

LAW OFFICE OF WILLIAM CAFARO  
19 WEST 44th STREET, STE. 1500  
NEW YORK, NEW YORK 10036  
RE: U-SAVE

You can also fax the Consent to Join Lawsuit form to (212) 583-7401 or email it to [nduran@carfaoesq.com](mailto:nduran@carfaoesq.com).

**If you do not sign and return the Consent to Join Form by [90 days from mailing date] you may not be able to participate in this lawsuit.**

**4. What happens if I join the lawsuit?**

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment. You will also share in any proceeds from a settlement or judgment. While this lawsuit is pending, you may be asked to provide oral or written discovery and/or testify at trial in this matter. To join this lawsuit, you must sign and promptly return the enclosed "Consent to Join Lawsuit" Form by [90 days from mailing date].

**5. What happens if I do nothing?**

If you choose not to join this lawsuit, you will not be entitled to any amounts recovered by the Plaintiff if he is successful in obtaining an award from a trial or settlement of this lawsuit. You will also not be affected by any ruling, judgment or settlement rendered in this lawsuit. You have the right to retain your own counsel to represent you and to file an independent lawsuit. However, if you hire your own attorney, you may be responsible for paying that attorney. You should also be aware that your federal wage and hour claims are limited by either a two or three year statute of limitations. Delay in joining this action or proceeding separately may result in some or all of your potential claims expiring as a matter of law.

**6. What is the Plaintiff seeking?**

The Plaintiff is seeking to recover unpaid overtime and spread-of-hours wages. The Plaintiff is also seeking liquidated damages, attorneys' fees and costs.

**7. Will I have a lawyer in this case?**

If you choose to join this lawsuit, you do not appoint your own attorney, you will be represented by William Cafaro and other lawyers at the Law Office of William Cafaro, located at 19 West 44<sup>th</sup> Street, Ste. 1500, New York, New York 10036; telephone (212) 583-7400, facsimile number (212) 583-7401.

If you are represented by the Law Office of William Cafaro, any attorney fees will either be paid out of any recovery that is obtained. If there is a recovery, the fees may be part of a settlement obtained or money judgment entered in favor of Plaintiff, or may be ordered by the court to be paid by the Defendants, or may be a combination of both. If you are represented by the Law Office of William Cafaro and the Plaintiff does not recover anything in this lawsuit, you will not have to pay any attorneys' fees.

You may also hire your own attorney to represent you in this lawsuit, however, you may be responsible for paying that attorney.

**8. What if U-Save retaliates against me for joining this lawsuit?**

It is a violation of state and federal law for U-Save or any of its related entities to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this lawsuit. If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact the Plaintiff's lawyers or any other lawyers of your choosing.

**9. What if I got paid in cash?**

You have a right to participate in this action even if you are an undocumented alien or if you were paid in cash.

**10. What if I still have questions?**

If you have any questions about this lawsuit, or would like further information, you can contact the Plaintiff's attorney, William Cafaro, at (212) 583-7400 or email: [nduran@carfaoesq.com](mailto:nduran@carfaoesq.com). If you require Spanish translation, please ask for William Cafaro.

**PLEASE DO NOT CONTACT THE CLERK OF THE COURT WITH QUESTIONS INVOLVING THIS LAWSUIT**

Dated: November \_\_\_, 2011

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL A. CORTES, : Index No.: CV-11-3062 (SJ)  
Plaintiff, :  
-vs- : AFFIDAVIT OF MAIL  
ASTORIA NY HOLDINGS LLC, et al., : SERVICE  
Defendants. :  
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STATE OF NEW YORK )  
COUNTY OF NEW YORK )

Nicholas Duran, being duly sworn, says:

I am not a party to the action; I reside in Queens, NY and I am over 18 years of age.

On November 3, 2011 I served the within **AMENDED NOTICE OF PENDENCY** by depositing a true copy thereof, enclosed in a postpaid wrapper, in an official depository under the exclusive care and custody of the United States Postal service within New York State, addressed to the following at the last known address set forth below:

Astoria NY Holdings LLC d/b/a  
U – Save Car & Truck Rental LGA,  
84-15 Astoria Boulevard  
East Elmhurst, New York 11370

SF-JFK Holdings, LLC d/b/a  
U – Save Car & Truck Rental JFK,  
150-32 N. Conduit Avenue  
Jamaica, New York 11434

Daniel Baratau  
84-15 Astoria Boulevard,  
East Elmhurst, New York 11370

Astoria NY Motors LLC d/b/a  
U – Save Car & Truck Rental LGA,  
84-15 Astoria Boulevard,  
East Elmhurst, New York 11370

Aryeh Einhorn a/k/a Ari Einhorn,  
84-15 Astoria Boulevard,  
East Elmhurst, New York 11370

Sworn to before me  
On November 3, 2014

Nicholas Duran

NOTARY PUBLIC

WILLIAM CAPARO  
Notary Public, State of New York  
No. 31-4889936  
Qualified in New York County  
Commission Expires Jan. 22, 2016